

## GIPA Annual Report 2015/16

|                             |                                     |
|-----------------------------|-------------------------------------|
| <b>Agency Name</b>          | Central Coast Local Health District |
| <b>Principal Department</b> | Ministerial and Executive Services  |
| <b>Reporting Period</b>     | July 2015 – June 2016               |

### Appendix 1 – Obligations under the GIPA Act

#### 1. Review of proactive release program – Clause 7(a)

Under section 7 of the *Government Information (Public Access) Act 2009* (GIPA Act), agencies must review their programs for the release of government information to identify the kinds of information that can be made publicly available. This review must be undertaken at least once every 12 months.

During this reporting period, the Right to Information Officer (RIO) reviewed the proactive release program to determine improvements and methods to promote the proactive release of information by Central Coast Local Health District (the District) staff.

The following initiatives were undertaken:

A directive from the Chief Executive was sent to District Directors advising the proactive release of information under the GIPA Act must be reviewed at intervals of not more than 12 months. This directive resulted in identifying documentation for potential proactive release. This documentation was reviewed and the following was released on the District's website:

- 2015-16 Service Agreement between Secretary NSW Health and Central Coast Local Health District
- 2015-16 Budget Summary
- 2015-16 Facility Budgets
- 2015-16 Corporate Governance Attestation Statement
- 2014-15 GIPA Annual Report
- 2014-15 Privacy Management Annual Report
- Aboriginal Health Service Collaborative Agreement
- Best Practice Food and Nutrition Manual Volume 2
- Eating Well a Nutrition Resource for Older People and their Carers
- Eating Well Brochure
- 2014-2017 Multicultural Health Plan
- Research Governance Framework
- Acute Post-Acute Care Guide
- Privacy information for patients brochure (updated)

The RIO has liaised with the District's Ministerial and Executive Services Vetting Officer, and a process has been implemented whereby the RIO is forwarded information that passes through the District's vetting office for the RIO to review and identify for proactive release.

A review and update of all information available on the District's website, pertaining to the GIPA Act, including the proactive release of government information, was undertaken.

A list of the District's policy documents is available on the District's website and was updated during this period. This allows members of the public to view, with copies made available upon request.

The RIO has provided to the District's staff an overview of the role of the District's RIO and the GIPA Act by attending ward/service education sessions and staff orientation programs throughout the reporting period.

## 2. Number of access applications received – Clause 7(b)

During this reporting period the District received a total of 15 formal access applications (including withdrawn applications but not invalid applications). Of those applications, three were carried over to the 2016/2017 reporting period.

## 3. Number of refused applications for Schedule 1 information – Clause 7(c)

During the reporting period the District refused one access applications in part, because the information requested was information referred to in Schedule 1 of the GIPA Act.

## 4. Statistical information about access applications – Clause 7(d) and Schedule 2

| Table A: Number of applications by type of applicant and outcome* |                        |                        |                        |                      |                               |                                 |  |                       |
|---|------------------------|------------------------|------------------------|----------------------|-------------------------------|---------------------------------|--|-----------------------|
|   | Access granted in full | Access granted in part | Access refused in full | Information not held | Information already available | Refuse to deal with application | Refuse to confirm/deny whether information is held | Application withdrawn |
| Media   | 0                      | 0                      | 0                      | 0                    | 0                             | 0                               | 0  | 0                     |
| Members of Parliament   | 0                      | 0                      | 0                      | 0                    | 0                             | 0                               | 0  | 0                     |
| Private sector business   | 0                      | 0                      | 0                      | 0                    | 0                             | 0                               | 0  | 0                     |
| Not for profit organisations or community groups                  | 0                      | 0                      | 0                      | 0                    | 0                             | 0                               | 0  | 0                     |
| Members of the public (application by legal representative)       | 2                      | 2                      | 0                      | 1                    | 0                             | 0                               | 0  | 0                     |
| Members of the public (other)                                     | 2                      | 4                      | 1                      | 1                    | 1                             | 0                               | 0  | 0                     |

\*More than one decision can be made in respect of a particular access application. If so, a recording must be made in relation to each such decision. This also applies to Table B.

**Table B: Number of applications by type of application and outcome**

|  | Access granted in full | Access granted in part | Access refused in full | Information not held | Information already available | Refuse to deal with application | Refuse to confirm/deny whether information is held | Application withdrawn |
|--|------------------------|------------------------|------------------------|----------------------|-------------------------------|---------------------------------|--|-----------------------|
| Personal information applications*   | 2                      | 3                      | 0                      | 0                    | 1                             | 0                               | 0  | 0                     |
| Access applications (other than personal information applications)                     | 0                      | 1                      | 1                      | 0                    | 0                             | 0                               | 0  | 0                     |
| Access applications that are partly personal information applications and partly other | 2                      | 2                      | 0                      | 2                    | 0                             | 0                               | 0  | 0                     |

\*A **personal information application** is an access application for personal information (as defined in clause 4 of Schedule 4 to the Act) about the applicant (the applicant being an individual).

PLEASE NOTE: The total number of decisions in Table B should be the same as Table A.

**Table C: Invalid applications**

| Reason for invalidity   | Number of applications |
|---|------------------------|
| Application does not comply with formal requirements (section 41 of the Act)  | 1                      |
| Application is for excluded information of the agency (section 43 of the Act) | 0                      |
| Application contravenes restraint order (section 110 of the Act)              | 0                      |
| Total number of invalid applications received                                 | 1                      |
| Invalid applications that subsequently became valid applications              | 0                      |

**Table D: Conclusive presumption of overriding public interest against disclosure: matters listed in Schedule 1 of the Act**

|   | Number of times consideration used* |
|---|-------------------------------------|
| Overriding secrecy laws                               | 1                                   |
| Cabinet information                                   | 0                                   |
| Executive Council information                         | 0                                   |
| Contempt  | 1                                   |
| Legal professional privilege                          | 0                                   |
| Excluded information                                  | 1                                   |
| Documents affecting law enforcement and public safety | 0                                   |
| Transport safety                                      | 0                                   |
| Adoption  | 0                                   |
| Care and protection of children                       | 0                                   |
| Ministerial code of conduct                           | 0                                   |
| Aboriginal and environmental heritage                 | 0                                   |

\*More than one public interest consideration may apply in relation to a particular access application and, if so, each such consideration is to be recorded (but only once per application). This also applies in relation to Table E.

**Table E: Other public interest considerations against disclosure:  
matters listed in table to section 14 of the Act**

|  | Number of occasions when application not successful |
|--|---|
| Responsible and effective government                                 | 4   |
| Law enforcement and security   | 0   |
| Individual rights, judicial processes and natural justice            | 4   |
| Business interests of agencies and other persons                     | 0   |
| Environment, culture, economy and general matters                    | 0   |
| Secrecy provisions   | 0   |
| Exempt documents under interstate Freedom of Information legislation | 0   |

**Table F: Timeliness**

|  | Number of applications |
|--|------------------------|
| Decided within the statutory timeframe (20 days plus any extensions) | 12                     |
| Decided after 35 days (by agreement with applicant)                  | 0                      |
| Not decided within time (deemed refusal)                             | 0                      |
| <b>Total</b>   | <b>12</b>              |


**Table G: Number of applications reviewed under Part 5 of the Act (by type of review and outcome)**

|  | Decision varied | Decision upheld | Total    |
|--|-----------------|-----------------|----------|
| Internal review  | 0               | 1               | 1        |
| Review by Information Commissioner*                              | 0               | 0               | 0        |
| Internal review following recommendation under section 93 of Act | 0               | 0               | 0        |
| Review by NCAT   | 0               | 0               | 0        |
| <b>Total</b>   | <b>0</b>        | <b>1</b>        | <b>1</b> |

*\*The Information Commissioner does not have the authority to vary decisions, but can make recommendation to the original decision-maker. The data in this case indicates that a recommendation to vary or uphold the original decision has been made.*

**Table H: Applications for review under Part 5 of the Act (by type of applicant)**

|   | Number of applications for review |
|---|-----------------------------------|
| Applications by access applicants   | 1                                 |
| Applications by persons to whom information the subject of access application relates (see section 54 of the Act) | 0                                 |



**Dr Andrew Montague**  
Chief Executive

Date: 25.10.2016